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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,142	09/09/2003	Ed H. Frank	14184US02	5401

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EXAMINER

PARK, JUNG H

ART UNIT	PAPER NUMBER
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2465

NOTIFICATION DATE	DELIVERY MODE
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04/15/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mhmpto@mcandrews-ip.com

Office Action Summary

Application No.

10/658,142

Applicant(s)

FRANK, ED H.

Examiner

JUNG PARK

Art Unit

2465

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/18/11.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Appeal Brief

1. This communication is considered fully responsive to the Appeal Brief filed on 01/26/11.

In view of the appeal brief filed on 01/26/11, PROSECUTION IS HEREBY REOPENED and non-final rejection is applied with new reference.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9, 11-17, 19, 21-27, 29, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitehill et al. (US 7,042,867, "Whitehill") in view of Bajikar (US 2003/0112182, "Bajikar").

Regarding claim 1, Whitehill discloses a method for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- identifying a location of a network device (determining the geographic location of user nodes, see col.3, lns.29-43) within the hybrid wired/wireless network (fig.1), the network device being movable within the hybrid wired/wireless network (mobile nodes, see 103 & 102 fig.1);
- determining, outside of the network device, accessing configuration of the network device (determining accessing of the mobile node at Access Point or AAA server, see fig.7), the accessing configuration corresponding to the determined location of the network device (the accessing configuration is related with the location of the mobile node, see fig.7); and
- communicating the determined accessing of the network device for providing location based configuration of the network device (messages sent to the mobile node, see fig.7).

Whitehill discloses the accessing of network device, but does not explicitly disclose "configuration information for the network device". However, Bajikar discloses "configuration information for the network device (each security zone is determined in accordance with the current location or position of mobile device and then ...a screen saver locks and reauthentication as sharing rules, automatic roaming, i.e., channel accessibility, etc., see ¶.16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of determining configuration information for the network device as taught by Bajikar into the system of Whitehill, so that it provides a way of automatic roaming, external access request, etc. based on the location information (Bajikar, see ¶.16).

Regarding claim 2, Whitehill discloses, “the network device is selected from the group consisting of an access device, an access point, and a switching device (col.5, lns.16-27).”

Regarding claim 3, Whitehill discloses, “discovering configuration information from at least one of a database, and a memory associated with at least one of the access point and the switching device (col.5, lns.28-51 and fig.7).”

Regarding claim 4, Whitehill discloses, “the discovering further comprises scanning the database and the memory by the access device, access point and switching device to discover the configuration information (col.5, lns.28-51 and fig.7).”

Regarding claim 5, Whitehill discloses, “the determining further comprises scanning at least one RF channel by at least one of the access point and the access device to discover the configuration information (fig.1-2, col.4, lns.42-43; further see col.1, ln.38).”

Regarding claim 6, Whitehill discloses, “the RF channel is at least one of a broadcast channel and a setup channel (neighbor discovery, see fig.7).”

Regarding claim 7, Whitehill discloses, “updating the network device with the communicated configuration information (maintaining geographic location, see col.5, lns.45-51).”

Regarding claim 9, Whitehill does not explicitly disclose what Bajikar discloses “the determined information is at least one of bandwidth etiquette and sharing rules, channel availability, preferred channel, and available communication protocols (each security zone is determined in accordance with the current location or position of mobile device and then ...a screen saver locks and reauthentication as sharing rules, automatic roaming, i.e. channel availability, etc., see ¶.16).” Therefore, this claim is rejected with the similar reasons and motivation set forth in the rejection of claim 1.

Regarding claim 11, it is a claim corresponding to claim 1, except the limitation of “a computer-readable medium (fig.2)” and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-17 and 19, they are claims corresponding to claims 2-7 and 9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 21, it is a system claim corresponding to claim 1, except the limitation of “an identifier, a determinator (inherent to have an identifier and a determinator for identifying and determining functions as rejected in claim 1), and a communicator (fig.2) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Art Unit: 2465

Regarding claims 22-27 and 29, they are claims corresponding to claims 2-7 and 9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Whitehill discloses, "at least one querying agent for querying a network device for location information (col.5, Ins.37-50)."

Regarding claim 32, Whitehill discloses, "at least one informing agent for informing at least one of the access point, access device and switching device of at least one network parameter related to location based configuration (fig.7; location as a parameter, see abstract)."

4. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehill in view of Bajikar and further in view of White (US 7,433,691, "White").

Regarding claims 8, 18, and 28, Whitehill discloses the maintaining the geographic location of the mobile node, but Whitehill and Bajikar do not explicitly disclose, "dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed."

However, White discloses "dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed (col.6, Ins.5-28)."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the method of dynamically updating the network

Art Unit: 2465

device as taught by White into the system of Whitehill and Bajikar, so that it provides a way of approximating the speed of the destination node (White, see col.6, Ins.5-10).

5. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehill in view of Bajikar and further in view of Augart (US 7,200,673, "Augart").

Regarding claims 10, 20, 30, Whitehill discloses, "triangulating locations of network routing devices named in the received routing information to determine the location of the network device (col.5, Ins.45-51)", but Whitehill and Bajikar are silent on "sending a ping message to at least one network routing device; receiving routing information associated with the ping message."

However, Augart discloses "sending a ping message (a probe packet, see 150 fig.2 and col.4, ln.56-67) to at least one network routing device; receiving routing information associated with the ping message (TTL values, see col.4, ln.56-67)."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the probe packet as taught by Augart into the hybrid network of Whitehill and Bajikar in order to determine the maximum additional number of hops using Time-To-Live (TTL) field within the probe packet for routing purpose (Augart, see col.4, ln.56-67).

Response to Arguments

6. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusions

Art Unit: 2465

7. ***Examiner's Note:*** Examiner has cited particular columns and line numbers, or paragraphs in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/658,142
Art Unit: 2465

Page 9

/Jung Park/

Examiner, Art Unit 2465